THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25645 OF 2005

Dt.7.12.2005

Between:

Pentyala Tirapamma … Petitioner

And

The Under Secretary, Ministry of Home Affairs,

Freedom Fighters Division,

Lok Nayak Bhavan, Khan Market,

New Delhi and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondents.

It is stated that the husband of the petitioner, Pentyala China Pullaiah filed an application for grant of Freedom Fighters Pension as he fought against the Nizam Government during 1947-48 for the merger of Nizam State into Indian Union. It is stated that the petitioner's husband joined in Mangolu Border Camp, which was headed by late Sri Kamma Jaggaiah and therefore he submitted an application for grant of pension by enclosing the said camp-in-charge certificate. The Hyderabad Special Screening Committee was also recommended the case of the husband of the petitioner for grant of freedom fighters pension with File No.112/6107/97. It is stated that her husband was also attended the enquiry in the office of the District

Collector, Khammam and submitted required documents and in turn his case was recommended to the State Government in Rc.No.C6/2117/ 112/ 6107/97 dated 18.6.2003 and the same was forwarded to the Central Government for its consideration. While so, the husband of the petitioner died on 30.5.2005. After his death, the first respondent vide letter No.112/6107/97-FF (HC)(F) dated 9.5.2005 rejected the case of the husband of the petitioner as he was found not eligible for grant of Swatantrata Sainik Samman Pension. The deficiencies indicated for rejection are that the name of the border camp mentioned in the application/certified by Camp In charge does not appear even in the list of 18 additional border camps certified by the erstwhile Hyderabad Special Screening Committee and there is difference in the very name of the claimed border camp mentioned in the application and the border camp mentioned in the State Government's verification report are distinct and different from each other, which further creates sufficient doubt about the bona fide and genuineness of the said claim. Clarifying the said deficiencies the petitioner filed a fresh representation before the respondents on 23.6.2005. But none of the respondents have considered the said representation.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the first respondent is directed to consider and dispose of the representation filed by the petitioner on 23.6.2005 after getting necessary reports/ information from respondents 2 and 3 within ten weeks from the date of receipt of a copy of this order in accordance with law.

The writ petition is disposed of accordingly. No costs.

(V.ESWARAIAH, J.)

7.12.2005

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